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# City of South Hutchinson



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January 30, 2004



Mr. Vernon A. Williams, Secretary  
Surface Transportation Board  
1925 K Street, NW  
Washington, DC 20423-0001

RE: Surface Transportation Board Docket No. AB-6 (Sub-No. 406X); The Burlington Northern and Santa Fe Railway Company (BNSF) Abandonment of the South Hutchinson, Reno County, KS Trackage Located in Reno County, Kansas.

## STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and rail banking under 16 U.S.C. 1247 (d) and 49 CFR 1152.29, the City of South Hutchinson is willing to assume full responsibility for management of, for any legal liability arising out of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right of way owned and operated by The Burlington Northern and Santa Fe Railway Company (Railroad) with respect to that portion of the right of way in Reno County, Kansas. The property extends from Milepost 0.62 on the North to Milepost 3.5 on the South, a distance of approximately 2.88 miles in Reno County, Kansas. The right of way is part of the lines proposed for abandonment in Docket AB-6 (Sub-No. 406X).

A map of the right of way is attached.

The City of South Hutchinson acknowledges that use of the right of way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right of way for rail service. A copy of this statement is being served on the railroad on the same date it is being served on the Board.

The City of South Hutchinson, Kansas

  
Signed, Steve Rippie, Mayor

CC: The BNSF  
Mr. Rich Batie, Mgr. Shortline Development  
2600 Lou Menk Drive, 2<sup>nd</sup> Floor  
Fort Worth, TX 76131

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